

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**JULIA LEIB and LISA THOMPSON,
individually, and on behalf of all persons
similarly situated,**

Plaintiffs,

v.

**REX ENERGY OPERATING CORP., a
Delaware corporation, and PENNTEX
RESOURCES ILLINOIS, INC., a Delaware
corporation,**

Defendants.

Case No. 06 CV 802-JPG-CJP

ORDER

PROUD, Magistrate Judge:

Herman L. Loeb, a non-party, is before the Court seeking to quash a subpoena issued on behalf of the defendants seeking production, inspection and copying of certain documents related to his oil operations in Lawrence County, Illinois. **(Doc. 59)**. Loeb objects to producing a variety of documents that contain or reflect citizen complaints, and data, information and measurements, maps, and the like, related to Loeb's oil production operation and facilities Lawrence County, Illinois. Loeb challenges the relevance of the requested materials and information, particularly since Loeb is not a party. Loeb also objects that the requested documents, data and information warrant protection because the "defendant" is his competitor—Loeb does not specify which defendant is a competitor. Furthermore, Loeb asserts the requested production imposes an undue burden and expense. In the event Loeb is not afforded protection, Loeb objects that he will need more than the 20 days allotted to complete production.

Defendants have not filed a response to the subject motion to quash. The Court cannot

and will not invent arguments regarding why a non-party should produce the requested documents when defendants have not bothered to do so.

IT IS THEREFORE ORDERED that Loeb's motion to quash the subpoena propounded by plaintiffs (**Doc. 59**) is **GRANTED**.

IT IS SO ORDERED.

DATED: July 24, 2008

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE